IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 20763 of 1994

Between:

B.Radhakrishna Murthy, S/o. Suryaprakasa Sastry,
S.V.V.M.High School, Gandhinagar,
Tenali , Guntur Dist.

..... PETITIONER

AND

1 The Govt. of A.P., Rep.by it's Secretary, Education Department, Secretariat, Hyderabad.
2 The Director of School Education, A.P., Hyderabad.
3 The Dist. Educational Officer, Guntur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ,order or direction more particularly one in the nature of Writ of Mandamus declare that the petitioner is entitled for absorption in the aided post of Drawing Teacher form 22.3.89 onwards in S.V.V.M.High School , Gandhinagar, Tenali declaring the inaction of the respondents as violative and ultrawires of provisions of Art.14 and 21 of the Constitution of India consequently direct the respondents to pay the salaries from 22.3.89 onwards.

For the Petitioner: MR.S.SRINIVASA SHARMA, Advocate

For the Respondents: GP FOR SCHOOL EDUCATION

The Court made the following :

ORAL ORDER

This Writ Petition is filed by the petitioner seeking a writ of mandamus declaring that the petitioner is entitled for absorption in the aided post of Drawing Teacher from 22.3.1989 onwards in S.V.V.M. High School, Gandhinagar, Tenali and consequently direct the respondents to pay the salaries from 22.3.1989 onwards.

The petitioner claims to be working as Drawing Teacher in S.V.V.M. High School, Gandhinagar, Tenali with effect from 31.10.1979 in an un-aided post. It is the case of the petitioner that though an aided post is very much in existence and that the school management has recommended his case for absorption into the aided post, the respondents are not considering his case for absorption in the said aided post.

Heard both the learned counsel.

From a perusal of the record, it is clear that the petitioner is working as Drawing Teacher in S.V.V.M. High School, Gandhinagar, Tenali from 31.10.1979 and by the time the writ petition was filed, he was working only in an un-aided post. The post of drawing teacher in this particular school was admitted to grant-in-aid by virtue of G.O.Ms.No. 178 (Edn.) dated 23.7.1990 and the same has came into force with effect from 1.11.1989. As the petitioner was appointed in the year 1979 and has acquired all the requisite qualifications by the time the post of drawing teacher was admitted to grant-in-aid in this particular school, this Court feels that the respondents ought to have considered the case of the petitioner for absorption into the grant-in-aid. Further, it is brought to my notice by the learned counsel for the petitioner that in

identical circumstances, the Government issued G.O.Rt. No. 702, dated 4.4.1991 by which a teacher by name Sri Muralikrishna who was working as a drawing teacher in S.K.V.N. School, Guntur was admitted to grant-in-aid.

In the light of the aforesaid circumstances and also keeping in view the management of the school has recommended the case of the petitioner for absorption into grant-in-aid, I direct the respondents to consider the case of the petitioner for absorption into the aided post of drawing teacher.

This writ petition is, accordingly, disposed of. No costs.

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GOPALA KRISHNA TAMADA, J

vp

ASST. REGISTRAR

// TRUE COPY //

SECTION OFFICER

To,

1 The Secretary, Education Department, the Govt. of A.P.
Secretariat, Hyderabad.
2 The Director of School Education, A.P., Hyderabad.
3 The Dist. Educational Officer, Guntur.

4. 2 CCs to Govt. Pleader for School Education, High Court Buildings,

Hyderabad (OUT)

5. 2 CD copies.